

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

MARIA N. ABREU,

Plaintiff,

V.

COUNTRYWIDE BANK, FSB, et al.,

Defendants.

Civil Action No. 8:08-cv-02635-RWT

**MOTION OF THE FEDERAL HOUSING FINANCE AGENCY AS CONSERVATOR
FOR THE FEDERAL HOME LOAN MORTGAGE CORPORATION TO INTERVENE
AND SUBSTITUTE ON BEHALF OF PARTY DEFENDANT FREDDIE MAC**

Pursuant to Federal Rules of Civil Procedure 24(a)(1) and 25(c), The Federal Housing Finance Agency (“FHFA” or the “Conservator”) as Conservator for the Federal Home Loan Mortgage Corporation (“Freddie Mac”), hereby moves for leave to intervene in the above-captioned matter and to substitute for Freddie Mac based on FHFA’s role as Conservator of Freddie Mac.

1. On September 6, 2008, pursuant to his authority under the Housing and Economic Recovery Act of 2008,¹ FHFA Director James Lockhart appointed the FHFA as Conservator for Freddie Mac. On that date, by operation of law, the Conservator immediately succeeded to “all rights, titles, powers, and privileges” of Freddie Mac. *See* 12 U.S.C. § 4617(b)(2). Accordingly, the Conservator is authorized to perform all functions in the name of Freddie Mac consistent with its appointment as conservator. This includes the ongoing operation of Freddie Mac, collection of all obligations and money due to Freddie Mac, and preservation and conservation of the assets and property of Freddie Mac. *See* 12 U.S.C. § 4617(b)(2)(A),(B),(D).

¹ Pub. L. No. 110-289, § 1145 (2008) (codified at 12 U.S.C. § 4617) (“HERA”).

2. As the current real-party-in-interest for Freddie Mac in this matter, the Conservator is authorized to substitute for defendant Freddie Mac pursuant to Fed. R. Civ. P. 24(a)(1) and 25(c).

3. The Conservator's motion to intervene and substitute is timely. The deadline for responsive pleadings has not expired. The Conservator was served with the summons and complaint in this matter on November 24, 2008 by certified mail. This motion to intervene and substitute is accompanied by the Conservator's motion to dismiss for lack of subject matter jurisdiction.

WHEREFORE, the FHFA, as Conservator for Freddie Mac, respectfully requests that the Court grant this motion to intervene, and order that the Conservator be substituted for Freddie Mac as party defendant in the above-captioned matter as "Federal Housing Finance Agency as Conservator for the Federal Home Loan Mortgage Corporation ("Freddie Mac") and as legal successor to all of Freddie Mac's rights, titles, powers and privileges."

Respectfully submitted,

Dated: November 26, 2008

**FEDERAL HOUSING FINANCE AGENCY, AS
CONSERVATOR FOR THE FEDERAL HOME
LOAN MORTGAGE CORPORATION**

Of Counsel:

By its attorneys,

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_____/s/
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of November, 2008, a copy of the foregoing Motion to Intervene and Substitute was filed electronically. I understand that all parties to this action will be served by operation of this Court's electronic filing system.

/s/

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ORDER

On this _____ day of _____, 2008 upon the Federal Housing Finance Agency's Motion to Intervene and Substitute on behalf of Defendant Federal Home Loan Mortgage Corporation and any response thereto it is hereby:

ORDERED that the Federal Housing Finance Agency's Motion is GRANTED and the Federal Housing Finance Agency shall substitute for and replace the Federal Home Loan Mortgage Corporation as party defendant in this action as "Federal Housing Finance Agency as Conservator for the Federal Home Loan Mortgage Corporation and as legal successor to all of its rights, titles, powers and privileges."

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United States District Court Judge